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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,156	06/27/2001	James John Wilson	DN2001117	3836

7590 12/12/2003

The Goodyear Tire & Rubber Company  
Patent & Trademark Department - D/823  
1144 East Market Street, D/823  
Akron, OH 44316-0001

EXAMINER
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CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/893,156

Applicant(s)

WILSON ET AL.

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is responsive to the appeal brief filed 06-30-2003. Claims 1-5 are currently pending.

#### ***Response to Arguments***

1. Applicant's arguments filed 06-30-2003, with respect to the rejection of claim 1 as being anticipated by Wong have been fully considered and are persuasive. The finality of that action is withdrawn.
2. However, upon further consideration, a new ground(s) of rejection is made in view of Janne (5,382,198).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janne (5,382,198) in view of Miranti, Jr. Janne discloses a power transmission having an inner surface comprising longitudinally extending grooves (19) and transverse grooves (20) that are inclined at an angle ( $\alpha$ ) less than  $90^\circ$  relative the longitudinal direction of the belt, and all the transverse grooves have the same depth, the transverse and longitudinal grooves form rows of cogs on the belt inner surface. Janne further discloses that it is known for the grooves to have randomized spacing to distribute the noise over a wide frequency range (col.1, line 36-45). Janne does not disclose that the

cogs having at least three different longitudinal lengths and are randomly arranged in a non-sequential manner along the length of the belt. Miranti, Jr. discloses a transmission belt (20) comprising cogs that are randomly arranged in a non-sequential manner along the length of the belt (figs. 8-9) in order to distribute the noise over a wide frequency range and to reduce noise during normal operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Janne so that the cogs are randomly arranged in a non-sequential manner along the length of the belt in view of Miranti, Jr. order to distribute the noise over a wide frequency range and to reduce noise during normal operation.

In claims 2-3, note fig. 8-9 of Miranti, Jr. shows the cogs having at least three to six different lengths.

Regarding claim 4, Miranti, Jr. clearly shows not more than four rows of cogs have the same length.


Regarding claim 5, Janne and Miranti, Jr. does not disclose the claimed sequence of the cogs. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the cogs in any desired sequence such as that of the claimed invention, since applicant has not disclosed that such claimed sequence solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the sequence of Miranti.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
December 08, 2003